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August 29, 2006

Our Docket No. 980457.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Rodney W. Salo et al.  
 S.N. : 09/545,536 : Art Unit 3766  
 Filed : April 7, 2000 : Examiner Mark Bockelman  
 For : CARDIAC RHYTHM MANAGEMENT  
 SYSTEM WITH OPTIMIZATION OF  
 CARDIAC PERFORMANCE USING HEART RATE

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Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

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Dear Sir:

Transmitted herewith is an Amendment Under Rule 37 C.F.R. 1.116 in response to the Final Office Action dated August 11, 2006 in the above-identified patent application.

The Commissioner is hereby authorized to charge any fees listed in 37 CFR 1.16 and 1.17 which may be required by this paper or credit any overpayment to Deposit Account No. 08-1265.

No additional fee is required.

Yours very truly,

NIKOLAI & MERSEREAU, P.A.

C. G. Mersereau

CGM/bld

Enclosures

## PATENT APPLICATION

Our Docket No. 980457.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SYSTEM WITH OPTIMIZATION OF  
CARDIAC PERFORMANCE USING HEART RATE

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**AMENDMENT UNDER 37 CFR 1.116**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**BEST AVAILABLE COPY**

Dear Sir:

This paper is submitted in response to a Final Official Action dated August 11, 2006 in the subject application. That Action carried a shortened-statutory period for response of three months set to expire on November 11, 2006. This paper is submitted within two months of the mailing date of the Action.

It is requested that the following amendments be entered: